

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1620 of 1997

in

SPECIAL CIVIL APPLICATION No 1952 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and Sd/-

MR.JUSTICE R.P.DHOLAKIA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
1 to 5 - No
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MASURBHAI G BARIA

Versus

NB DESAI, SECRETARY NARMADA ANE JAL SAMPATTI VIBHAG

Appearance:

MR TR MISHRA for Petitioner

CORAM : MR.JUSTICE B.C.PATEL and
MR.JUSTICE R.P.DHOLAKIA

Date of decision: 26/03/98

ORAL JUDGEMENT (Per: B.C.Patel,J.)

In view of the order passed by learned Single Judge of this Court in Special Civil Application No.1952 of 1997, the petitioner has been reinstated. The grievances made in this petition is about back wages. Suffice it to say that, it has clearly mentioned in the order passed by the learned Single Judge that the Executive Engineer has to decide about the back wages. It is open for the Executive Engineer to pass appropriate orders imposing adequate penalty against the petitioner, but such penalty will be short of removing him from the job. Learned Single Judge has directed that the orders with regard to reinstatement shall be issued on or before 9-5-1997. So far as back wages are concerned, the learned Single Judge directed that the concerned Executive Engineer may pass appropriate orders at the earliest possible opportunity, but in no case later than 31-5-1997. It is required to be noted that amount is required to be fixed and remedy is available with the petitioner to approach the Industrial Forum under Sec.33(c)(2) of the Industrial Disputes Act. Hence, this application is rejected.

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